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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,136	02/26/2002	Kazuo Hiraguchi	Q66505	5389

7590 08/31/2004

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/082,136

**Applicant(s)**

HIRAGUCHI ET AL.

**Examiner**

Scott Haugland

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 10-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,9 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Finality of Previous Office Action***

Upon consideration of Applicants' arguments filed 2/27/04 concerning the propriety of the finality of the Office action mailed 11/28/03, the finality of that Office action has been withdrawn.

### ***Election/Restrictions***

Claims 3-7 and 10-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8, 9, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettle (U.S. Patent No. 4,629,144) in view of Gelardi et al (U.S. Patent No. 4,986,491).

Schoettle discloses a recording media cartridge 20 comprising a case body having an upper half and a lower half, reels 11, 12, a reel presser spring 1, and a presser spring anchor portion (gap 8 in Fig. 2 and corresponding gap in Fig. 3) on the

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upper half. The presser spring anchor portion has a portion (a portion of window 5) implanted in the inner surface of the upper half and an overhanging portion (the portion of window 5 that overhangs the upper half of the case and lies adjacent gap 8).

Schoettle does not disclose that the presser spring can be detached from the cartridge without damaging the case body, presser spring, and components of the cartridge. Schoettle does not disclose guides or convex portions located on both sides of the presser spring anchor portion on the inner surface of the upper half (note claim 27).

Gelardi et al teaches making a presser spring of a recording media cartridge detachably mounted on an upper half of the cartridge so that it can be collected for reuse (recycling) without damaging other components (see column 6, lines 30-34). Gelardi et al teaches providing convex portions 30, 32, 34, 36 (Figs. 1 and 2), 21, 23, 25, 27 (Fig. 6), 40, 41, 42, 43 (Fig. 7), 68, 69 (Figs. 10-12) on the inner surface of the cartridge case to hold portions of the presser spring in place in the cartridge.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spring of Schoettle removable without damaging the spring, case, or cartridge components as taught by Gelardi et al.

With regard to claim 27, it would have been obvious to provide the cartridge of Schoettle with convex portions or guides on both sides of presser spring anchor portion as taught by Gelardi et al to assist in securing the spring in the cartridge.

With regard to claim 28, note that the presser spring 1 of Schoettle has a convex portion 2a at one end and a convex portion at the free end of spring blade 15.

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With regard to claim 30, the left end (proximal portion) of the anchor portion of the presser spring 1 of Schoettle is parallel (has a portion parallel) to the right end of the anchor portion. The left end has convex portion 2a'. The presser spring anchor portion includes a hole between window 5 and cassette housing 4, which hole receives the upper portion of convex portion 2a' of the presser spring anchor portion.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoettle in view of Gelardi et al as applied to claim 9 above, and further in view of Ooishi et al (U.S. Patent No. 4,408,733).

Schoettle does not disclose a bent tip portion located on one end of the reel presser spring.

Ooishi et al teaches providing a reel presser spring 32 with a bent tip portion located on one end of the reel presser spring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reel presser spring of Schoettle with a bent tip portion located on one end of the reel presser spring as taught by Ooishi et al to provide a more downwardly directed biasing force on the tape reels.

### ***Response to Arguments***

Applicants' arguments filed 2/27/04 have been fully considered but they are not persuasive.

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Applicants argue that none of the prior art of record suggests a reel presser spring that is detachably mounted to a case body at only a single, proximal, end. However, Schoettle discloses a reel presser spring that is mounted to a case body at only a single, proximal end. The spring is inherently detachably mounted to the body. In the Fig. 3 embodiment, the hook portion 2a of the spring is held in place by being slipped over window 5 after the window has been attached to housing 4. It would have been obvious from Gelardi et al to make the spring detachable from the case body without damaging the case body as claimed since Gelardi et al teaches making a reel spring so detachable to facilitate recycling of cartridge parts.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new grounds of rejection were necessitated by the addition of the limitation to claim 1 that the reel presser spring is supported on the upper half at only a proximal end. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (703) 305-6498. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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sjh  
8/19/04



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